

**ZB# 83-34**

**Schoonmaker Homes, Inc.**

**78-1-14**

#83-34- Schoonmaker Homes, Inc. - (area)

Prelim. meeting:

9/12/83.

Public Hearing:

Sept. 26, 1983.

Notice to

Sendin' 9/13/83.

10/4/83 - Check for 50/  
returned

(req. check for  
25.00 only!)

# Schoonmaker

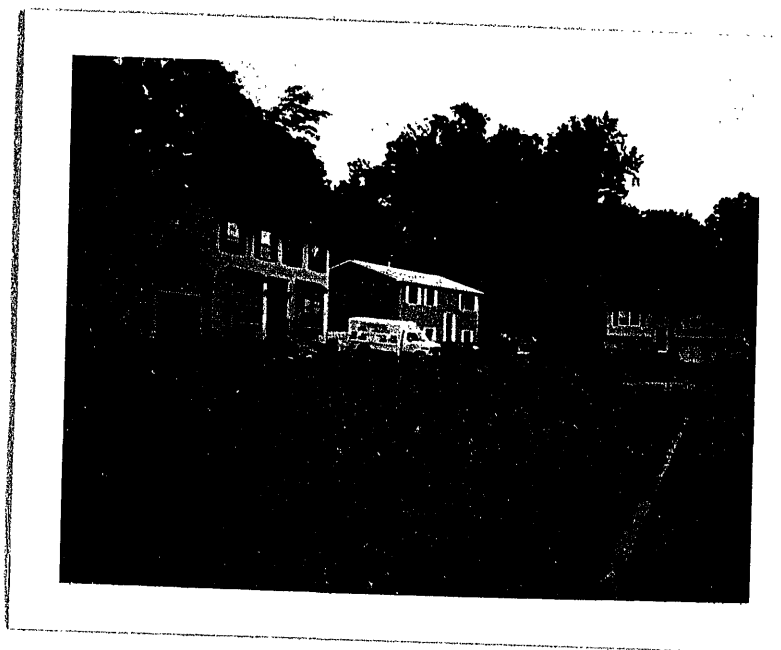
HOMES - John Steinberg, Inc.  
1 Holiday Park Rd., Newburgh, NY 12550

Director of Internal Operations & Planning Main Office (914) 562-1500

General Receipt		
<b>TOWN OF NEW WINDSOR</b> 555 Union Avenue New Windsor, N. Y. 12550		
Received of		Oct. 11 1981
		\$ 25.00
		DOLLARS
For		
DISTRIBUTION		
FUND	CODE	AMOUNT
By		
Title		



1



NEW WINDSOR ZONING BOARD OF APPEALS

-----X  
In the Matter of the Application of

SCHOONMAKER HOMES, INC./  
John Steinberg, Inc.

DECISION GRANTING AREA  
VARIANCE

# 83-34 .  
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WHEREAS, SCHOONMAKER HOMES, INC. of 1 Holiday Park,  
Newburgh, New York, has made application before the  
Zoning Board of Appeals for an area variance for the purposes of:  
construction (already completed) of a one-family residential home  
located at 23 Creamery Drive, known as Lot #55, Butter Hill Subdivision  
and

WHEREAS, a public hearing was held on the 26th day of  
September, 1983 before the Zoning Board of Appeals at the Town Hall,  
New Windsor, New York; and

WHEREAS, the applicants appeared by agent, Ramon Kinol

; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New  
Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents  
and businesses as prescribed by law and published in The Sentinel, also  
as required by law.

2. The evidence shows: that the discrepancy was found  
after the framing and roof were constructed and if the variance for  
1.9 ft. of frontyard is not granted, the garage will have to be demolished.

3. The evidence shows that the amount of the frontyard is  
insignificant in comparison to the neighboring residences and will not  
be evident in appearance.

WHEREAS, the Zoning Board of Appeals makes the following findings of law in this matter:

1. The evidence shows that the applicant will encounter practical difficulty if the area variance requested is not granted.

2. The proposed variance will not result in substantial detriment to adjoining properties or change the character of the neighborhood.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor grants a 1.9 ft. frontyard variance for Lot #55-Butter Hill Subdivision on Creamery Drive,  
in accordance with plans submitted at the public hearing.

BE IT FURTHER,

RESOLVED that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: October 24, 1983

S/

Chairman

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

# 83-34

Date: 9/13/83

- I. ✓ Applicant Information: SCHOONMAKER HOMES-John Steinberg, Inc.,
- (a) 1 Holiday Park Road, Newburgh, NY 12550 (914) 562-1500 (Mr. Ramon Kinol for  
(Name, address and phone of Applicant) (Owner) applicant)
- (b) Mr. & Mrs. Raymond Moy, 85 Essex St., Brooklyn, NY 11208 (212)277-4357  
(Name, address and phone of purchaser or lessee)
- (c) \_\_\_\_\_  
(Name, address and phone of attorney)
- (d) \_\_\_\_\_  
(Name, address and phone of broker)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Special Permit

III. ✓ Property Information: 23 Creamery Drive

- (a) R-4 Lot #55, Butter Hill, N. Windsor 1-1-14 55x215x210x182  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? Various Residential
- (c) Is a pending sale or lease subject to ZBA approval of this application? Yes
- (d) When was property purchased by present owner? 9/9/83
- (e) Has property been subdivided previously? Yes When? Part of Butter
- (f) Has property been subject of variance or special permit Hill subdiv previously? No When? \_\_\_\_\_
- (g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? Yes
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: No

IV. ~~Use Variance:~~

- (a) ~~Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_, to allow:~~  
~~(Describe proposal) \_\_\_\_\_~~

- (b) The legal standard for a "Use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

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V. ✓ Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Bulk Regs., Col. 6.

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd. <u>40'</u>	<u>38.1 &amp; 43.7</u>	<u>1.9' front yard</u>
Reqd. Side Yd. <u>/</u>	<u>/</u>	<u>/</u>
Reqd. Rear Yd.		
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* <u>%</u>	<u>%</u>	<u>%</u>
Floor Area Ratio**		

\* Residential Districts only

\*\* Non-residential districts only

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application.

We found the discrepancy after the foundation, framing and roof were constructed. If the variance is not granted, a corner of the garage 1.9' will have to be demolished, an almost impossible situation.

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VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

	Requirements	Proposed or Available	Variance Request
Sign 1			
Sign 2			
Sign 3			
Sign 4			
Sign 5			
Total	<u>sq.ft.</u>	<u>sq.ft.</u>	<u>sq.ft.</u>



- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

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- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

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VII. Special Permit:

- (a) Special Permit requested under New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.
- (b) Describe in detail the use and structures proposed for the special permit.

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VIII. ✓ Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Although the left front corner of the residence sits 1.9' within the front yard set back of the street and the half cul-de-sac, the front of the building is in line with the remaining 11 lots and is not an obvious visual infraction of the set back lines.

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IX. Attachments required:

- ✓ Copy of letter of referral from Bldg./Zoning Inspector.
- ✓ Copy of tax map showing adjacent properties.
- N/A Copy of contract of sale, lease or franchise agreement.
- ✓ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- N/A Copy(ies) of sign(s) with dimensions.
- ✓ Check in the amount of \$ 50.00 payable to TOWN OF NEW WINDSOR.
- ✓ Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date 9/13/83

STATE OF NEW YORK )  
COUNTY OF ORANGE ) SS.:

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

SCHOONMAKER HOMES-John Steinberg, Inc.

(Applicant)

Mr. Ramon Kinol, Director of Operations

Sworn to before me this  
13th day of September, 1983.

MARY JANE KUKURENDER  
Notary Public, State of New York  
Qualified in Orange County  
No. 4751873  
Commission Expires March 30, 1985

XI. ZBA Action:

(a) Public Hearing date \_\_\_\_\_.

(b) Variance is \_\_\_\_\_.

Special Permit is \_\_\_\_\_.

(c) Conditions and safeguards: \_\_\_\_\_

A FORMAL DECISION WILL FOLLOW  
WHICH WILL BE ADOPTED BY  
RESOLUTION OF ZONING BOARD OF APPEALS.



# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK  
(914) 565-8550

September 27, 1983

1763

SCHOONMAKER HOMES, INC.

John Steinberg, Inc.

1 Holiday Park

Newburgh, N. Y. 12550

Attn: Mr. Ramon Kinol

RE: APPLICATION FOR AREA VARIANCE - #83-34 (Lot #55-Butter Hill)

Dear Ray:

This is to confirm that the above application for an area variance was granted at the September 26, 1983 public hearing before the Zoning Board of Appeals.

Formal decision will be drafted and acted upon at an upcoming meeting of the Board. You will receive a copy by return mail.

If you have any questions, please do not hesitate to call.

Very truly yours,

PATRICIA DELIO, Secretary  
New Windsor Zoning Board of Appeals

/pd

cc: Town Planning Board  
Town Building/Zoning Inspector

**Memo** FROM: ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR  
555 UNION AVENUE NEW WINDSOR, NEW YORK 12550

TO:

SCHOONMAKER, HOMES, INC.  
John Steinberg, Inc.  
1 Holiday Park  
Newburgh, N.Y. 12550  
Attn: Mary Jane

DATE: 10/4/83

SUBJECT: PUBLIC HEARING BEFORE ZBA - BUTTER HILL SUBDIVISION  
Lot #55

--FOLD HERE--

Dear Mary Jane:

In accordance with our telephone conversation of this date,  
enclosed please find the following:

- (1) Copy of Assessor's List;
- (2) Check #B41340 in the amount of \$50.00.

Kindly forward a check in the amount of \$25.00, residential  
application fee.

Thank you.

by



PATRICIA DELIO, Secretary - ZBA

INTER-OFFICE CORRESPONDENCE

TO: TOWN PLANNING BOARD  
FROM: ZONING BOARD OF APPEALS  
SUBJECT: PUBLIC HEARINGS - Date: September 26, 1983  
DATE: September 13, 1983

Please be advised that the following is a schedule of public hearings to be heard before the Zoning Board of Appeals on the above date:

PIEROTTI, ELIZABETH (Music Box)  
SCHOONMAKER HOMES, INC.  
CALVET TOOL RENTAL, INC.

I have attached hereto copies of the pertinent application(s) together with public hearing notice(s).

Pat

/pd

Attachments

cc: Town Building/Zoning Officer Kennedy

PUBLIC NOTICE OF HEARING BEFORE  
ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals  
of the TOWN OF NEW WINDSOR, New York will hold a  
Public Hearing pursuant to Section 48-34A of the  
Zoning Ordinance on the following proposition:

Appeal No. 34

Request of SCHOONMAKER HOMES-John Steinberg, Inc.

for a VARIANCE ~~SPECIAL PERMIT~~ of  
the regulations of the Zoning Ordinance to  
permit 1.9' encroachment on required

40' front yard

being a VARIANCE ~~SPECIAL PERMIT~~ of  
Section 48-12 - Table of Bulk Regs. - Col. 6  
for property situated as follows:

Lot #55, Section 1, Butter Hill

Tax map Section 78. Block 1, Lot 14 located at

23 Creamery Drive, Town of New Windsor, NY.

SAID HEARING will take place on the 26th day of  
September, 1983, at the New Windsor Town Hall,  
555 Union Avenue, New Windsor, N. Y. beginning at  
7:00 o'clock P. M.

Mr. Richard Fenwick  
Chairman



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

*cc: Ray Kinol*

September 2, 1983

Schoonmaker Homes Inc.  
Mr. Ray Kinol  
Newburgh, N.Y.

RE: 78-1-14

Dear Mr. Kinol:

According to my records, the attached list of property owners are within five hundred (500) feet of the above mentioned property.

The charge for this service is \$40.00. Please remit same to the Town Clerk, Town of New Windsor.

Very truly yours,

PAULA SARVIS  
ASSESSOR  
Town of New Windsor



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

Kirkpatrick James R & Kathleen A  
13 Creamery Drive  
New Windsor NY 12550 ✓

Palladino Thomas & Debra  
9 Creamery Drive  
New Windsor NY 12550 ✓

Hager Homes Inc  
9 Frozen Ridge Rd  
Newburgh NY 12550 ✓

Moodna Development Co Inc  
33 Sweet Briar Rd  
Stamford Conn 06905 ✓

Schoonmaker Homes Inc  
John Steinberg Inc  
1 Holiday Park Road  
Newburgh NY 12550 ✓

Malagoli Arthur C & Carol Ann  
21 Creamery Drive  
New Windsor NY 12550 ✓

Gormally John J & Melissa E  
27 Creamery Drive  
New Windsor NY 12550 ✓

Waligora John N & Micheline M  
c/o P Mignault  
RD1 Echo Lane  
Fishkill NY 12524 ✓

Purtill Joseph & Barbara  
12 Creamery Drive  
New Windsor NY 12550 ✓

Paltridge Kenneth & Susan  
14 Creamery Drive  
New Windsor NY 12550 ✓

Bordash Andrew G & Patricia A  
24 Creamery Drive  
New Windsor NY 12550 ✓

Quercia Michael D  
28 Creamery Drive  
New Windsor NY 12550 ✓

Attia Garja & Rochelle  
33 Creamery Drive  
New Windsor NY 12550 ✓

McCormick Jeffery P & Gail L  
9 Louise Drive  
New Windsor NY 12550 ✓

Amidon Erla J & Thomas E  
162 Caesars La  
New Windsor NY 12550 ✓

Mc Govern Michael J & Marie A  
160 Caesars La  
New Windsor NY 12550 ✓

Koenig Albert & Herta  
156 Caesars La  
New Windsor NY 12550 ✓

Capicotto Anthony F & Marilyn F  
11 Louise Dr  
New Windsor NY 12550 ✓

Mozgiel Edward & Anna  
14 Louise Dr  
New Windsor NY 12550 ✓

Mc Quade Emaluel A & Ellenor M  
8 Garden Dr  
New Windsor NY 12550 ✓

Callas Peter T & Kathryn M  
10 Garden Dr  
New Windsor NY 12550 ✓





1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

Rhodes Sidney C & Florence L  
c/o Rider Drake Weiner & Loeb  
Att: Mary Clifford  
PO Box 991  
Newburgh NY 12550 ✓

Myzelow Jos G  
12 Garden Dr  
New Windsor NY 12550 ✓

Rothstein Albert & Eleanor  
14 Garden Dr  
New Windsor NY 12550 ✓

Scott Robert W & Marjorie K  
16 Garden Dr  
New Windsor NY 12550 ✓

Town of New Windsor  
555 Union Ave  
New Windsor NY 12550 ✓

INFORMAL PRELIMINARY  
HEARING SEPT 12, 83  
7 PM TOWN MEETING  
ROOM.

TOWN OF NEW WINDSOR  
ORANGE COUNTY, N. Y.  
OFFICE OF ZONING - BUILDING INSPECTOR

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No. ....

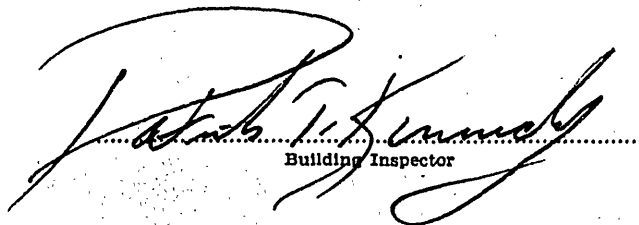
Date August 23, 1983

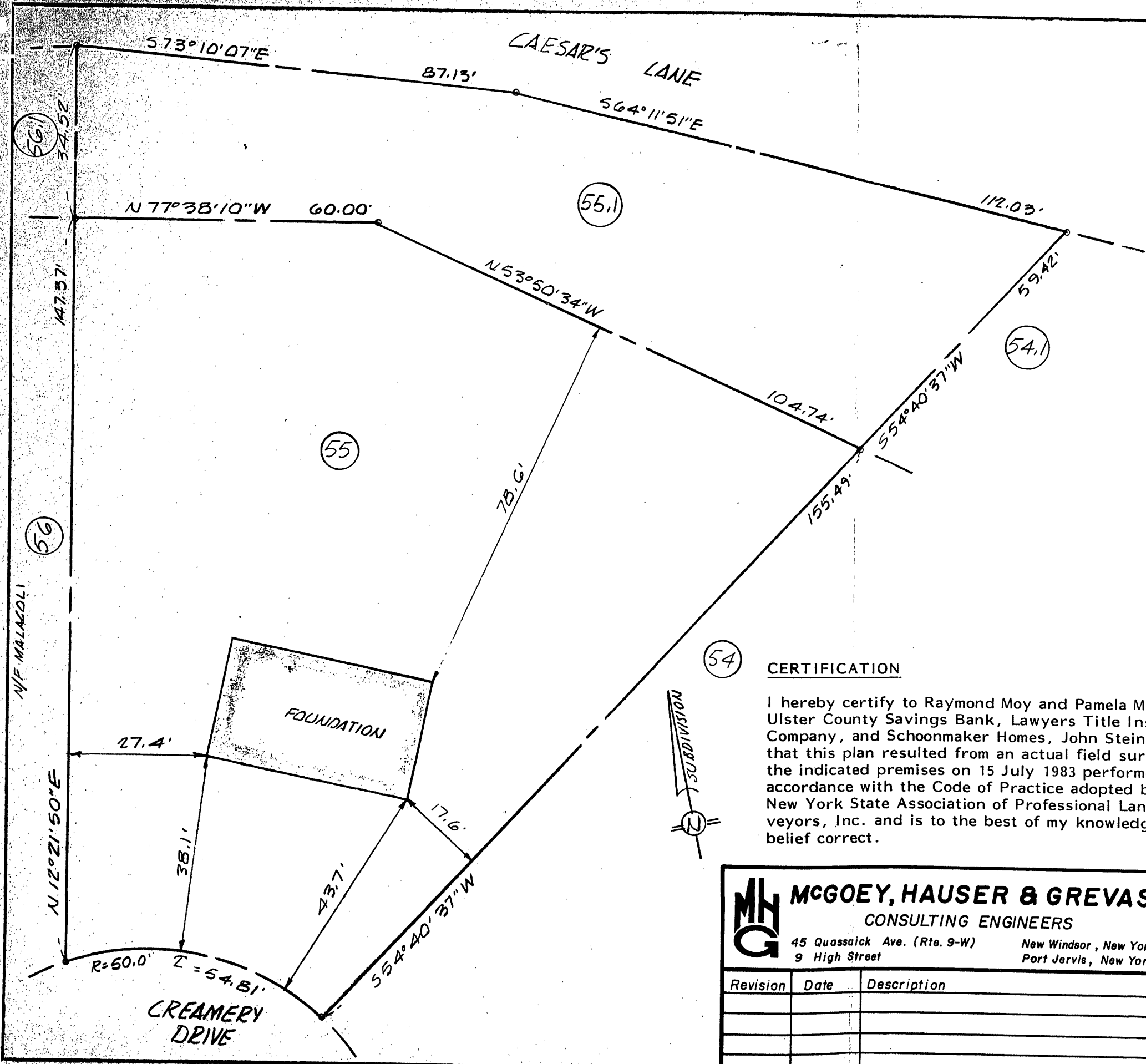
To Schrammaker Homes - John Steinberg, Inc. 562-1500  
1 Holiday Park Rd  
Newburgh, N.Y. 12550

PLEASE TAKE NOTICE that your application dated June 24, 1983  
for permit to Construct a new one family frame Dwelling  
at the premises located at Lot #55 Section 1 Butterhill  
Tax map section 78 Block 1 Lot 14

is returned herewith and disapproved on the following grounds:

house is built, Foundation location shows left front  
corner of house encroaches on required front yard.  
req'd 40' - actual 38.1 need variance of 1.9'

  
Building Inspector



**GENERAL NOTES**

1. Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of Section 7209(2) of the New York State Education Law.
2. Only copies from the original of this survey marked with an original of the land surveyor's inked seal shall be considered to be valid true copies.
3. Certification shall run only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency and lending institution listed hereon, to the assignees of the lending institution, and is not transferable to additional institutions or subsequent owners.

**SPECIAL NOTES**


1. Being Lot No. 55 and Parcel No. 55.1, Section 1 in Butter Hill Subdivision, as shown on a map filed in the Orange County Clerk's Office on 20 July 1978 as Map No. 4581.
2. Subject to utility grants and easements of record.
3. Building offsets shown are at right angles to property lines.

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**CERTIFICATION**

I hereby certify to Raymond Moy and Pamela Moy, Ulster County Savings Bank, Lawyers Title Insurance Company, and Schoonmaker Homes, John Steinberg, Inc. that this plan resulted from an actual field survey of the indicated premises on 15 July 1983 performed in accordance with the Code of Practice adopted by the New York State Association of Professional Land Surveyors, Inc. and is to the best of my knowledge and belief correct.



 <b>MCGOEY, HAUSER &amp; GREVAS</b> CONSULTING ENGINEERS 45 Quassaick Ave. (Rte. 9-W) New Windsor, New York 9 High Street Port Jervis, New York			SURVEY FOR:		
			<b>RAYMOND MOY &amp; PAMELA MOY</b> TOWN OF NEW WINDSOR ORANGE COUNTY NEW YORK		
Revision	Date	Description	Drawn: <i>EDG</i>	<b>FOUNDATION LOCATION PLAN</b>	
			Checked:		
			Scale: 1" = 20'		
			Date: 21 July 1983		
			Job No: S938 83		

